



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: DECEMBER 13, 2004

*OTL 1.*  
ITEM NUMBER:

SUBJECT: DRAFT ORDINANCE AMENDING THE ZONING CODE TO MODIFY THE LAND USE MATRIX, PUBLIC NOTICE REQUIREMENTS, AND VARIOUS PERMIT PROCESSES

DATE: DECEMBER 2, 2004

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, PRINCIPAL PLANNER  
(714) 754-5604

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## **DESCRIPTION**

Review of draft ordinance amending the Zoning Code to modify the land use matrix, public notice requirements, and various permit processes.

## **RECOMMENDATION**

Recommend to City Council that the draft ordinance be given first reading.

  
KIMBERLY BRANDT  
Principal Planner

  
R. MICHAEL ROBINSON  
Assistant Development Svs. Director

## **BACKGROUND**

At the June 21, 2004 meeting, City Council discussed a number of budget-related programs and service efforts. One of the items selected for further review was the permit processing regulations.

On September 7, 2004, the Council reviewed several proposals recommended by staff, and then Council referred the report to the Planning Commission for review and recommendations on a 4-1 vote (Cowan voting no).

On November 8, 2004, Commission continued this item for two weeks to allow Commissioners additional time to review staff's proposals. On November 22, 2004 Commission reviewed the proposed changes and directed staff to prepare an ordinance incorporating the recommended amendments. Attachment 1 contains the draft ordinance. The draft ordinance will be scheduled for the Council's January 17, 2005 meeting.

## **ANALYSIS**

An explanation of each of the proposed changes is provided below. The subsection reference corresponds to the attached draft ordinance.

*Residential accessory buildings (Subsection a.)* This amendment will allow new residential 1-story accessory buildings (such as garages or carports) in the multi-family zones to be reviewed and approved by the Planning Division "over-the-counter".

*Master plan approvals and amendments (Subsections b, h, i, and j.)* These amendments would delegate the approval of all master plans to the Planning Commission. In addition, major amendments would be delegated to the Zoning Administrator. It should be noted that the Planning Division already has review authority over minor changes to master plans. Additionally, the Zoning Administrator has the authority to forward a master plan amendment to the Planning Commission. Staff included the master plan amendment proposal, since at Commission's last meeting, no recommendation was made for this item.

Staff surveyed surrounding cities (Newport Beach, Fountain Valley, Santa Ana, and Huntington Beach); only three of the four have a similar master plan requirement. Two of the three require both Planning Commission and City Council review and approval.

Commission also recommended that no change occur in the review and adoption of any park master plan, and that these master plans be considered at a joint study session and public hearing with the Parks and Recreation Commission. Staff notes that this is a procedural recommendation that can be addressed in a Council Policy, but does not require any changes to the Zoning Code.

*Minor design review (Subsection c.)* Commission asked staff for additional information regarding recent minor design review approval for two-story residential construction. In 2004, 28 minor design review applications have been processed and approved (none have been denied). Of the 28 applications, 24 were subject to the Minor Design Review process because the second story floor area exceeded 50% of the first story. See following table.

<b>2<sup>nd</sup> story to 1<sup>st</sup> story %</b>	<b>51-60%</b>	<b>61-69%</b>	<b>71-80%</b>	<b>81% or greater</b>
<b># of Applications</b>	7	5	9	3

Inconsistency with any of the Residential Design Guidelines is another criteria for determining if two-story construction is subject to minor design review. One guideline states that the second story should not exceed 80% of the first story floor area. Staff recommends that inconsistency with the Residential Design Guidelines be the sole criteria for determining whether the project is subject to the Minor Design Review process. This is reflected in Subsection c.

In respect to staff approvals of 2<sup>nd</sup> stories, since the Zoning Code was amended last October, staff has approved 20 second-story residential additions "over-the-counter". These approvals were for two-story additions that complied with the Residential Design Guidelines and the second story was 50% or less of the first story.

*Lot line adjustments (Subsections a and d.)* These amendments delegate approval of lot line adjustments to the Planning Division.

*Public notice requirements (Subsections e and f.)* These amendments decrease the City's current public noticing radius requirement from 500 feet to the state mandated minimum of 300 feet and eliminate onsite posting. Staff included this amendment, since at Commission's last meeting, no recommendation was made on this proposal.

*Land Use matrix (Subsection g.)* The amendments to the land use matrix reflect Commission's previous recommendations.

## **ALTERNATIVES**

Planning Commission may recommend to Council modifications to the draft ordinance or recommend that Council not adopt the draft ordinance.

## **ENVIRONMENTAL DETERMINATION**

These code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and have been found to be exempt.

**Attachments:**                    1.     Draft Ordinance

**Distribution:**     Deputy City Manager - Dev. Svs. Director  
                          Assistant City Attorney  
                          Public Services Director  
                          City Engineer  
                          Fire Protection Analyst  
                          Staff (4)  
                          File (2)

File: 121304PermitProcess	Date: 112904	Time: 10 am
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**ATTACHMENT 1**  
**DRAFT ORDINANCE**

ORDINANCE NO. 05-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE LAND USE MATRIX, PUBLIC NOTICE REQUIREMENTS, AND THE DEVELOPMENT REVIEW, MASTER PLAN, MINOR DESIGN REVIEW, AND LOT LINE ADJUSTMENT PERMIT PROCESSES.**

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 13-28(e)(1) and (5) to read as follows:

**“(e) Development review.** The following shall be subject to development review:

(1) Single-story residential construction: In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units ~~and/or new buildings such as garages or carports.~~ New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review.

(5) ~~Reserved for future use~~ Lot line adjustment; and”

b. Amend 13-28(g)(1) through (g)(2) to read as follows:

**“(g) Master plan.** Prior to development in the Planned Development (PD), Town Center (TC), Shopping Center (C1-S), and both Institutional and Recreational (I&R and I&R-S) zoning districts, a master plan is required. Preliminary master plans are required in the TC zone, are optional in PD zones, and are not required in C1-S, I&R-S, and I&R zones.

(1) ~~Amendments~~ Minor changes to the master plan.: Minor changes in the location, siting or character of buildings and structures may be authorized by the Planning Division if required by the final engineering or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:

- a. A change in the use or character of the development;
- b. An increase in the overall density or floor area ratio of the development;
- c. An increase in overall coverage of structures;
- d. A reduction or change in character of approved open space;
- e. A reduction of required off-street parking;
- f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks; or
- g. A reduction in required street pavement widths.

- (2) Major amendments: Substantial amendments to the master plan encompassing one or more of the ~~above-listed~~ minor changes listed in subparagraphs (1a) through (1g), or any proposed change determined by the Development Services Director as a major amendment, shall be ~~processed and reviewed pursuant to the provisions for new master plans~~ subject to review and approval by the Zoning Administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the Zoning Administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the General Plan, as applicable.

c. Amend Section 13-28(i)(1) to read as follows:

"i. **Minor design review.** The following shall be subject to minor design review.

- (1) Two-story residential construction: In the R1 zone, any two-story construction or second-floor addition; and in the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot which results in 2 or fewer dwelling units, or second-story additions on lots with more than 2 dwelling units that does not comply with residential design guidelines adopted by the City Council. ~~meets any of the following criteria:~~

i. ~~Results in a second-story floor area that exceeds 50% of the first-story floor area; and/or~~

ii. ~~Does not comply with residential design guidelines adopted by the City Council.~~

d. Amend the following row of Table 13-29(c) to read as follows:

TABLE 13-29(c) PLANNING APPLICATION REVIEW PROCESS					
PLANNING APPLICATIONS	PUBLIC NOTICE REQUIRED	PUBLIC HEARING REQUIRED	RECOMMENDING AUTHORITY	FINAL REVIEW AUTHORITY	NOTICE OF DECISION REQUIRED
Lot Line Adjustment	No	No	None	Zoning Administrator Planning Division	Yes <u>No</u>

e. Amend Section 13-29(d)(1) to read as follows:

- "(1) Mailed notice required. Notices of the hearing shall be mailed to all property owners within a 300 ~~500~~-foot radius of the project site, except for applications for the construction of a building(s) 75 feet or more in height; these applications shall require a greater notice radius:

Building Height in Feet

More than 75 and less than or equal to 150

More than 150 and less than or equal to 225

More than 225 and less than or equal to 300

More than 300

Notice Requirement

500 ~~700~~-foot radius

700 ~~900~~-foot radius

900 ~~1,100~~-foot radius

1,100 ~~1,300~~-foot radius"

f. Delete Section 13-29(d)(2) and reserve for future use:

- (2) ~~On-site posting required.~~ Additional notice shall be provided by posting a notice on each street frontage of the project site, no less than 10 days prior to the date set for the hearing or determination on the application. Reserved.

g. Amend certain rows of Table 13-30 to read as shown in Attachment A.

h. Amend the following row of Table 13-44 to read as follows:

TABLE 13-44 COMMERCIAL PROPERTY DEVELOPMENT STANDARDS							
DEVELOPMENT STANDARDS	P	AP	CL	C1	C2	C1-S	TC
Master Plan	Not required					Required- The final review authority is the Planning Commission in the C1-S zone and the City Council in the TC zone (see CHAPTER III PLANNING APPLICATIONS)."	

i. Amend Section 13-56 to read as follows:

**"Sec. 13-56. MASTER PLAN REQUIRED**

All development proposed in the Planned Development districts requires approval of a master plan pursuant to CHAPTER III PLANNING APPLICATIONS. The final review authority for the master plan shall be the City Council. Planning Commission."

j. Amend Section 13-56(b) to read as follows:

**"(b) Amendments to the master plan.**

- (1) Minor changes: Minor changes in the location, siting or character of buildings and structures may be authorized by the Planning Division if required by engineering specifications or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:
  - a. A change in the use of character of the development;
  - b. An increase in the overall density of the development;
  - c. An increase in overall coverage of structures;
  - d. A reduction or change in character of approved open space;
  - e. A reduction of required off-street parking;
  - f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks; or
  - g. A reduction in required street pavement widths.
- (2) Major amendments. Substantial amendments to the development master plan encompassing one or more of the ~~above-listed~~ minor changes listed in subparagraphs (1a) through (1g), or any other proposed change determined by the Development Services Director as a major amendment, shall be processed and reviewed pursuant to the provisions for new master plans contained in CHAPTER III PLANNING APPLICATIONS, subject to review and approval by the Zoning Administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the Zoning Administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the General Plan, as applicable.



Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

STATE OF CALIFORNIA)  
COUNTY OF ORANGE) ss  
CITY OF COSTA MESA)

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk of the  
City of Costa Mesa

\_\_\_\_\_  
City Attorney

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-\_\_ was introduced and considered section by section at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Deputy City Clerk and ex-officio  
Clerk of the City Council of the  
City of Costa Mesa



# **CITY OF COSTA MESA**

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,  
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**